

**UNITED STATES DISTRICT COURT**

# DISTRICT OF NEVADA

\* \* \*

R. WAYNE JOHNSON,

Plaintiff,

VS.

## DEPT OF VETERAN AFFAIRS,

Defendant.

2:16-cv-02121-GMN-VCF

## ORDER

Before the Court is *R. Wayne Johnson v. Dept. of Veteran Affairs*, case no. 2:16-cv-02121-GMN-

VCF

On September 20, 2016, Johnson was ordered to file a complaint with an accompanying filing fee or an application to proceed *in forma pauperis*. (ECF No. 4).

Under 28 U.S.C. § 1914(a), a filing fee is required to commence a civil action in federal court. The Court may authorize the commencement of an action without prepayment of fees and costs by a person who submits an affidavit showing the person is unable to pay a filing fee or provide security therefor. 28 U.S.C. § 1915(a)(1). “Determination of …whether to allow a plaintiff to proceed *in forma pauperis*, is left to the discretion of the presiding judge, based on the information submitted by the plaintiff or plaintiffs.” *Lasko v. Hampton & Hampton Collections, LLC*, No. 2:15-CV-01110-APG, 2015 WL 5009787, at \*1 (D. Nev. Aug. 21, 2015).

Here, Johnson has failed to take the steps necessary to commence this action. He has not paid the fee necessary to file a complaint or file an application to proceed *in forma pauperis*.

This case cannot move forward. A complaint has not been lodged in this matter since no application for *in forma pauperis* was filed and the filing fee was not paid. There are no claims to dismiss.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court administratively close this case.

DATED this 4th day of April, 2018.

Curt Ferenbach  
CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE